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### **DETAILED ACTION**

Applicant's submission, filed 2 July 2008, has been entered and acknowledged by the examiner.

Applicant's arguments filed 2 July 2008 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 25,27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namikawa et al. and Ellison et al. (as above), in view of Guenther et al. (USPN 6949880).

With regard to claim 25,

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Namikawa et al. disclose in at least figure 12 and column 10, line 45 through column 11, line 20 a method of repositioning display spacers (3,6,113) using inductive attraction comprising: providing spacers (3,6,113); providing an inductive chuck (7) to attract the spacers (via 114), wherein and the spacers (3,6,113) are lifted by the inductive chuck (7), wherein the spacers (3,6,113) directly contact the inductive chuck (7); providing a substrate (2); aligning the spacers (3,6,113) with desired positions on the substrate (2); wherein the spacers (3,6,113) directly contact the substrate (2).

Namikawa et al. do not disclose applying and interrupting a voltage to the chuck, nor the use of an electrostatic force.

Ellison et al. do disclose in at least paragraph 13, an inductive chuck wherein a voltage is applied and interrupted to control the clamping force of the chuck.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the voltage modulation of Ellison et al. into the method Namikawa et al. in order to enhance control.

Guenther et al. do disclose in at least column 4, lines 11 through 25 the use of electrostatic force to hold spacers in order to prevent spacer agglomeration on the substrate.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the use of electrostatic force of Guenther et al. into the method of Namikawa et al. in order to prevent spacer agglomeration on the substrate (of the chuck).

With regard to claim 27,

The method as claimed in claim 26, wherein the spacers (3,6,113) are released from the inductive chuck (7).

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The obviousness of the use of electrostatic force was addressed in the rejection of claim 25.

Namikawa et al. do not disclose applying and interrupting a voltage to the chuck.

Ellison et al. do disclose in at least paragraph 13, an inductive chuck wherein a voltage is applied and interrupted to control the clamping force of the chuck.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the voltage modulation of Ellison et al. into the method Namikawa et al. in order to enhance control.

With regard to claim 28,

Namikawa et al. disclose the method as claimed in claim 25, wherein the spacers (3,6,113) have two or more layers (3,6,113), at least one of which is made of electrostatic materials.

With regard to claim 29,

Namikawa et al. disclose the method as claimed in claim 25, wherein the spacers (3,6,113) are made of dielectric, ceramic or glass materials, or a combination thereof.

### ***Response to Arguments***

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). While the applicant argues that the combination of Namikawa in view of Guenther would not lead one of ordinary skill in the art

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to provide an inductive chuck to attract spacers by electrostatic force, wherein the electrostatic force lifts the spacers and brings them into contact with the inductive chuck, the examiner asserts that Namikawa teaches providing an inductive chuck to attract spacers by a force, wherein the force lifts the spacers and brings them into contact with the inductive chuck, and Guenther teaches the force to be an electrostatic force, preventing agglomeration of the spacers, thus rendering the incorporation of the electrostatic force of Guenther into the method of Namikawa obvious to one of ordinary skill in the art at the time of the invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. RAABE whose telephone number is (571)272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CR/

/NIMESHKUMAR D. PATEL/

Supervisory Patent Examiner, Art Unit 2879